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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,069	09/28/2000	Yukihisa Takeuchi	789_048 NP	7280

25191 7590 12/09/2002

BURR & BROWN  
PO BOX 7068  
SYRACUSE, NY 13261-7068

[REDACTED] EXAMINER

BUDD, MARK OSBORNE

ART UNIT	PAPER NUMBER
2834	

DATE MAILED: 12/09/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 672069	Applicant(s)
Examiner M. Bud)	Group Art Unit 2834

--The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address--

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

Responsive to communication(s) filed on 11-15-02

This action is FINAL.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.**

### Disposition of Claims

Claim(s) 3, 4, 6-41 and 68-23 is/are pending in the application.

Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) 14-41 is/are allowed.

Claim(s) 3, 4, 6-13 and 68-23 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Reference(s) Cited, PTO-892

Notice of Informal Patent Application, PTO-152

Notice of Draftsperson's Patent Drawing Review, PTO-948

Other \_\_\_\_\_

## Office Action Summary

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

claims 3, 4, 6-8, 10-13 and 68-73 rejected under 35 U.S.C. 103(a) as being unpatentable over Brunnee in view of Riedel.

Brunnee teaches the claimed device but using only a single layer of piezo electric material. However, use of multiple layers of piezo material to increase output and lower impedance is well known as taught by Riedel. Note Riedel also teaches electrode inter connections are made on end faces of the piezo stack. It has long been held that optimization of a known device (e.g. thru routine experimentation) is within the skill expected of the routineer. Thus, selection specific dimensions would have been obvious to one of ordinary skill in the art.

Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Brunnee in view of Riedel as applied to claim 8 above, and further in view of Scarpa or Keem.

This claim adds that the piezo/thin film interface is roughened. Each of Kolm and Scarpa teach providing rough interface surfaces to form a stronger joint. Thus for at least this reason it would have been obvious to one of ordinary skill in the art to roughen the piezo/thin plate interface of Brunnee.

Claims 14-41 are allowed.

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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

M BUDD/pj

12/04/02

MARK D. BUDD  
PRIMARY EXAMINER  
ART UNIT 212